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Paper No. 8

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**MAR 25 2004**

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

In re Application of :  
Andrew HUNTER, et al. :  
Application No. 10/073,727 : DECISION ON PETITION  
Filed: February 11, 2002 :  
For: **ENVIRONMENTAL CAMERAS** :

This is a decision on the petition filed January 26, 2004, under 37 C.F.R. § 1.181(a) to withdraw holding of abandonment.

The application was held abandoned for failure to respond in a timely manner to the Non-Final Office action mailed May 7, 2003. The application became abandoned when no further response was received. A Notice of Abandonment was mailed December 12, 2003.

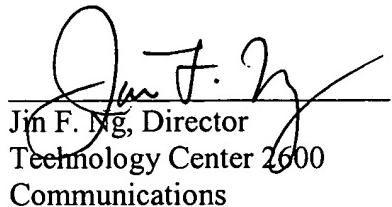
Petitioner alleges to have timely submitted a response to the Office Action. In support, the Petitioner has included a copy of the return postcard date stamped September 2, 2003, itemizing a transmittal letter, an Amendment, a petition for extension of time, a substitute specification and one sheet of formal drawings. Petitioner notes that the serial number is incorrectly listed on the transmittal and petition for extension of time. However, the proper serial number is listed on the amendment and formal drawings.

The original papers filed were not matched with the file and cannot be located. However, M.P.E.P. 503 states, “[a] postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.” Accordingly, it is concluded that the papers were timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above, the Notice of Abandonment is vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application will be forwarded to Technology Center's technical support staff for processing the petition for extension of time, amendment and substitute specification. From there, the file will be forwarded to the examiner for examination in due course. Petitioner is reminded of the importance of correctly indicating application information on all papers filed.



Jin F. Ng, Director  
Technology Center 2600  
Communications